

**Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
March 11, 2008 6:30 p.m.**

Mayor Lois called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Commissioners John Thate, Darrel Eisenhardt, Bob Henney Tom Vos and Bob Schulte. Commissioner John Lynch and Town of Burlington Representative Phil Peterson were absent. Also present were: City Administrator Kevin Lahner, Building Inspector / Zoning Administrator Patrick Scherrer and Mr. Patrick Meehan, Meehan and Company, Inc.

APPROVAL OF MINUTES

Commissioner Thate moved and Commissioner Vos seconded to approve the minutes of February 12, 2008. All were in favor and the motion carried.

Citizen Comments – None.

PUBLIC HEARINGS

None.

OLD BUSINESS

1. **Consideration to approve a Detailed Planned Unit Development (PUD) Site Plan, Landscape Plan, Architectural Plans and Condominium Plan for Centurion Development, LLC and McWan Ventures, LLC for the Meadows at Pine Brook condominium project, subject to Kapur and Associates March 6, 2008 memorandum and Patrick Meehan's February 29, 2008 memorandum to the Plan Commission.**

Mayor Lois excused himself from this discussion. Commissioner Thate chaired the meeting for this issue.

Commissioner Thate opened this issue for discussion noting that he would be maintaining his voting rights.

Mr. Chris Jackson, CJ Engineering, informed the Commission that the site plan submitted is the same one that was approved in February. The preliminary engineering, architecture and draft development agreement were being completed. This new information would be forwarded to the City for review and approval. Mr. Patrick Meehan, Meehan & Company, Inc. stated that there were several housekeeping issues that the developers needed to address prior to final approval as well as the City Attorney's review of the condominium documents.

Commissioner Vos moved and Commissioner Eisenhardt seconded to approve a Detailed Planned Unit Development (PUD) Site Plan, Landscape Plan, Architectural Plans and Condominium Plan for Centurion Development, LLC and McWan Ventures, LLC for the Meadows at Pine Brook condominium project, subject to Kapur and Associates March 6, 2008 memorandum and Patrick Meehan's February 29, 2008 memorandum to the Plan Commission as follows:

- The elevations shown on the rain garden detail found on the site grading sheet C1.2 require revision. It appears a slight typographical error has occurred on the elevations for the 12" RCP inlet elevation, 8" PVC outlet elevation, and the bottom elevation of the rain garden. These three elevations are exactly 100 feet higher than is correct and must be adjusted accordingly.
- The 0.0010'/ slope between proposed storm inlet #3 and proposed storm inlet-manhole #2 is incorrect. The SE invert of inlet #2 is 0.10' lower than the NW invert of inlet #3 with 27.84' of pipe between the two structures. This computes to a slope of 0.0036'/'. The engineer must adjust either the pipe slope between the structures or the inverts of the structures.
- The sanitary sewer lateral for building 1 may not connect directly into sanitary manhole #3. The engineer must adjust the sanitary sewer lateral to connect to the mainline.
- The 24-hour rainfall depth for a 10-year storm in southeastern Wisconsin is 3.62" not 3.90" as presented in the current report. The change in rainfall depth will have an impact on the discharge from the site for both existing and proposed conditions. Therefore, the engineer must revise the calculations using the correct rainfall depth for the 10-year storm to determine that the proposed site discharge is acceptable.
- No HydroCAD data is presented for the 10-year storm proposed site conditions. The engineer must present the HydroCAD data of the site conditions for the 10-year storm event as was presented for the 2-year and 100-year storm events.
- A final stamped and signed copy of the Storm Water Management Plan is required to be submitted once the revisions have been made by the engineer.
- That the Plan Commission recommend to the Common Council the conditional approval of the "Detailed Plans," for a PUD Planned Development District, Site Plan, Landscape Plan, Architectural Plans, Condominium Plat, and three (3) revised Certified Survey Maps for The Meadows at Pine Brook development subject to the submittal materials.
- Any portions of the subject property located in the FW Floodway District are subject to the requirements of the recently amended FW Floodway District under the provisions of City of Burlington Ordinance No. 1808(12) including Section 315-38 of that Ordinance. In addition, any amendments to floodplain zoning district delineations need to follow the provisions of Section 315-123 of Ordinance No. 1808(12).
- Any proposed departures from the standards of development as set forth in the City zoning regulations, Chapter 278, Subdivision of Land, other City regulations or administrative rules, or other universal guidelines.

- Under the approved "General Development Plan," the minimum area of the two-family dwelling structure condominium footprint was 5,500 square feet. For the "Detailed Plans," however, this must be changed to a minimum area of the two-family dwelling structure condominium footprint of 3,500 square feet due to refinements to the plans for the development. It is recommended that all of the below departures set forth in the table outlined in the February 29, 2008 Patrick Meehan memorandum be granted by the City.
- Characteristics of soils related to contemplated specific uses must be submitted by the applicant as may be needed by the City Engineer.
- A "Letter of Credit" for all improvements must be submitted to the City and reviewed by the City Attorney before final approval is given by the Common Council pursuant to the requirements of Section 315-43(K)(2)(b) of the City Zoning Ordinance.
- All engineering plans (including utility, grading, and stormwater management calculations and plans) must be reviewed and approved by the City Engineer.
- All proposed condominium documents, homeowners association documents, deed restrictions, protective covenants, and development agreements must be reviewed by the City Attorney prior to approval by the City Council.
- The submittal to the City for City approval of a Subdivider's Agreement (pursuant to Section 278-10 of the City "Subdivision of Land" Ordinance) and detailed engineering and drainage plans for the development for the construction of the proposed new segment of Spring Brook Drive as well as the provision of an adequate escrow amount for the demolition of the existing structures on proposed Lot 3 must be reviewed by the City Attorney prior to approval by the City Council.
- Pursuant to the requirements of Section 278-39(A)(6), the date of the Certified Survey Map must be a consistent date indicated on each sheet of the proposed Certified Survey Map and a revised Certified Survey Map must be submitted addressing this issue.
- That the proposed departures from those standards of the City Zoning Ordinance and City Land Division Ordinance as set forth in the table under item number 2 of this memorandum (outlined in the February 29, 2008 Patrick Meehan memorandum) be allowed by the City under the provisions of the PUD Planned Unit Development Overlay District.
- That, as required under the City's earlier approval of the "General Development Plan" for the Spring Brook Landing Development, the existing stormwater maintenance agreement document for the existing stormwater pond located adjacent to and abutting the subject property on the east must be made an integral part of the plans and PUD Overlay District for the subject property and reviewed by the City Attorney prior to approval by the City Council.

- The submittal and City approval of the "Condominium Plat", homeowners' association by-law documents, declaration of deed restrictions and protective covenants, any needed utility easement documents, Subdivider's Agreement, detailed engineering and drainage plans for each phase of the development as it progresses, and approval by the Wisconsin Department of Natural Resources for the modification of any boundary of the FW Floodway District (the 100-year recurrence interval floodplain if required by the State) must be reviewed by the City Attorney and City Engineer prior to approval by the City Council.
- That, as required under the City's earlier approval of the "General Development Plan" for Spring Brook Landing, the Wisconsin Department of Transportation must review and approve said plans relating to proposed vehicular access to the subject property from STH 83.
- That any required wetland fill permits must be obtained from the appropriate County, State, or Federal agencies before construction in any wetland area commences. Any wetland delineations performed by wetland biologists and/or wetland fill permits obtained must be copied by the developer to the City before construction in any wetland area commences.
- That any and all technical deficiencies shall be corrected.
- That all applicable City of Burlington application and review fees must be paid by the developer.
- That no Building Permits will be issued until:
 - The sanitary and storm sewer and water mains have been installed, tested, and approved by the City of Burlington.
 - Drainage has been rough graded and approved by the City of Burlington.
 - Lots have been rough graded and approved by the City of Burlington.
 - All streets and curb and gutter required to serve the development phase or condominium (as applicable) have been installed, and accepted and dedicated to the City of Burlington.
 - The "Certified Survey Map" and Condominium Plat have been recorded with the Racine County Register of Deeds.
 - Building Permits may be granted for model residential units for display purposes only prior to meeting the conditions above referred to provide a Subdivider's Agreement relating thereto has been approved by the Common Council.
- That no Occupancy Permits will be issued until:
 - Streets have been paved except for the final lift of asphalt.

- The gas, telephone, and electrical services have been installed and are in operation.
 - The water system is installed, tested, and approved by the City of Burlington.
 - The sanitary sewer system is installed, tested, and approved by the City of Burlington.
 - All City of Burlington codes and ordinances and Building Codes have been complied with.
- In compliance with the requirements of Section 236.11(1)(b) of the Wisconsin Statutes, that if the "Certified Survey Maps" addressing all of the conditions of approval are not submitted within twenty-four (24) months after the conditional approval of the "Certified Survey Maps" by the Common Council, that the "Certified Survey Maps" will be considered as rejected by the Plan Commission and Common Council without further action by the Plan Commission and Common Council.
 - Any other additional requirements of the City Plan Commission, Common Council, City Administrator, City Attorney, Fire Chief, Police Chief, and/or City Engineer.
 - The date of the proposed Condominium Plat must be indicated and a consistent date placed on each sheet of the proposed Condominium Plat and a revised Condominium Plat submitted to the City addressing this issue.

All were in favor and the motion carried.

NEW BUSINESS

1. **Consideration to recommend to the Common Council an Extraterritorial Zoning (ETZ) Certified Survey Map for property located at 2520 Cedar Drive in the Town of Burlington, subject to Kapur and Associate's March 10, 2008 and Patrick Meehan's February 29, 2008 memorandums to the Plan Commission.**

Mayor Lois opened this issue for discussion.

There were no comments.

Commissioner Vos moved and Commissioner Schulte seconded to recommend to the Common Council an Extraterritorial Zoning (ETZ) Certified Survey Map for property located at 2520 Cedar Drive in the Town of Burlington, subject to Kapur and Associate's March 10, 2008 and Patrick Meehan's February 29, 2008 memorandums to the Plan Commission as follows:

- Subject to the Town of Burlington's and Racine County's final approvals of the Certified Survey Map.

- The minimum required building setback from a public street right-of-way is 35 feet in the R-3 District. However, the street setback shown on the proposed Certified Survey Map is indicated as only 25 feet for both proposed Lots 1 and 2. In addition, the proposed garage to be placed on proposed Lot 2 is indicated as within the required minimum 35-foot street yard setback. Therefore, either the 25-foot street yard setback must be increased to 35 feet and the proposed garage to be located on Lot 2 moved so as not to infringe upon the required 35-foot street yard setback, or a variance must be granted by the Racine County Zoning Board of Appeals to allow for the reduction of the required 35-foot street yard setback to 25 feet to allow for the construction of the proposed garage on proposed Lot 2.

All were in favor and the motion carried.

2. Consideration to recommend Resolution Number 4215(110), “A Resolution certifying the updated Official Map as provided in Municipal Code s. 60-8” to the Common Council.

Mayor Lois opened this issue for discussion.

There were no comments.

Commissioner Schulte moved and Commissioner Henney seconded to recommend Resolution Number 4215(110), “A resolution certifying the updated Official Map as provided in Municipal Code s. 60-8” to the Common Council.

All were in favor and the motion carried.

3. Consideration to recommend Ordinance Number 1855(27), “An Ordinance to amend Sections 315-64, 315-65, 315-70, 315-71 and Table 13 of the Code of the City of Burlington to allow advertising signs in public parks under certain conditions, to enact regulations for electronic signs, and to amend sign limitations in nonresidential PUD Overlay Zoning Districts” to the Common Council.

Mayor Lois opened this issue for discussion.

City Administrator Kevin Lahner explained to the Commission that the standards regarding electronic signs have been in place, but never codified. He stated that this ordinance would codify those standards and would limit the use of electronic signs to B-1, B-2 and B-2A Zoning Districts only. Furthermore, the signs would not be able to flash, pulse or portray movement, among other regulations specific to the district they will be located in.

Commissioner Schulte expressed his concern for the business owners that this change might affect. Administrator Lahner explained that nothing in the policy has changed; the ordinance only codifies what is currently being used. He also noted that with the restricted standards it would allow the City more control over what types of signs come in to the City.

Commissioner Vos moved and Commissioner Henney seconded to recommend Ordinance Number 1855(27), "An Ordinance to amend Sections 315-64, 315-65, 315-70, 315-71 and Table 13 of the Code of the City of Burlington to allow advertising signs in public parks under certain conditions, to enact regulations for electronic signs, and to amend sign limitations in nonresidential PUD Overlay Zoning Districts" to the Common Council.

All were in favor and the motion carried.

4. Consideration to recommend Ordinance Number 1857(29), "An Ordinance amending Table 2 titled "Permitted and Conditional Uses in the M-3 District" of Section 315-32(B) and Table 3 of Section 315-32(E) titled "M-3 Manufacturing and Office Park District Development Standards" of the M-3, Manufacturing and Office Park District of the City of Burlington Zoning Code to the Common Council.

Mayor Lois opened this issue for discussion.

Mayor Lois explained that upon review of preliminary plans and through discussions regarding the development of RexCon in the Burlington Manufacturing and Office Park (BMOP), it was determined that a text amendment to the M-3 District was needed. More specifically, the type of use RexCon is proposing is not a "Permitted" or "Conditional Use" for the M-3 District. Furthermore, the proposed building height for RexCon of 42 feet exceeds the maximum allowable height of 35 feet in that district.

This text amendment will modify the M-3 District to add "Special Industry Machinery, Not Elsewhere Classified" as a Permitted Use and to increase the maximum building height to 5.0 stories/50 feet. This will allow the RexCon development to fall under "Permitted Uses" and remain in compliance with the Municipal Code of Burlington.

Commissioner Vos questioned if there should be a different standard for heights in the BMOP. Mayor Lois stated that he and Administrator Lahner had discussed this issue at length and found that our BMOP is zoned M-3, while our other industrial park is zoned M-1. He asked that Administrator Lahner and Mr. Meehan review the M-3 district to see if any other changes should be made.

Commissioner Vos would like to recommend that the curb cuts in the M-3 district be increased so that it benefits both the City and makes it easier for the trucks coming through. Administrator Lahner stated that he would look into those standards and ensure that they are similar to other cities and are functional.

Commissioner Eisenhardt moved and Commissioner Henney seconded to recommend Ordinance Number 1857(29), "An Ordinance amending Table 2 titled "Permitted and Conditional Uses in the M-3 District" of Section 315-32(B) and Table 3 of Section 315-32(E) titled "M-3 Manufacturing and Office Park District Development Standards" of the M-3, Manufacturing and Office Park District of the City of Burlington Zoning Code to the Common Council.

All were in favor and the motion carried.

ADJOURNMENT

Commissioner Vos moved and Commissioner Thate seconded to adjourn the meeting at 7:52 p.m. All were in favor and the motion carried.

Adjourned at 7:52 p.m.

Recording Secretary – Angela M. Hansen